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Attorneys for Defendant JOHN HUSZAR

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

DALLAS BUYERS CLUB, LLC,

Plaintiff,

v.

JOHN HUSZAR

Defendants.

Case No.: **3:15-cv-0907-AC**

DECLARATION OF LINDA
VORRATH IN SUPPORT OF
DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT

FRCP 56

I, Linda Vorrath, declare as follows:

1. I am a private investigator licensed in the State of Oregon, under the PI-ID# 76014.
2. I was employed by Edmondson IP Law to examine and compare the versions of the Dallas Buyers Club (DBC) movie available on YouTube and Netflix, and the DVD release of DBC.
3. As a preliminary matter, I looked to identify whether any theaters were showing DBC. I could locate no theatres that were showing DBC.
4. Attached as Exhibit 1 is a true and correct copy of the report I prepared after viewing the YouTube and Netflix, and DVD versions of DBC.
5. My report highlights several differences between the versions of DBC. These differences include:
 - a. Appearance of the FBI Anti-Piracy Warning: this is present on the DVD version, but absent from the online versions of DBC viewed on YouTube and Netflix.
 - b. "R" Motion Picture Rating: this is present on the DVD version, but absent from the online versions of DBC viewed on YouTube and Netflix.
 - c. Previews: There were extensive previews on the DVD version of DBC, these fell into two groups. The first group were a set of 'forced' previews, one which the viewer could not click through, while the second were a set of previews that the viewer could pro-actively select to watch by clicking the appropriate button on the DVD menu.

I swear under the penalty of perjury under the laws of the United States of America that the above is true and correct.

Executed on: February 26, 2018



Lind Vorrath
Declarant

EXHIBIT 1

**RE: COPYRIGHT INFRINGEMENT
DALLAS BUYER'S CLUB**

**INVESTIGATIVE FIELD REPORT
L. VORRATH PI-ID #76014**

To: J. Curtis Edmondson
Venture Commerce Center
3699 NE John Olsen Avenue
Hillsboro, OR 97124

February 20, 2018

Findings

Upon the instructions of IP Attorney Curtis Edmondson, the investigator was to view the Dallas Buyer's Club movie. I initiated the search by looking for local theaters that would be playing movie; it was not currently in any movie theaters. The movie was available on YouTube and Netflix.

Starting the Movie

YouTube Findings:

On February 20, 2018 YouTube provided a pay-per-view Dallas Buyer's Club full movie, there was only one port to select the full movie. This port provided information the length of movie to be 1:56:53 (one hour fifty-six minutes fifty-three seconds) and stated it was uploaded by Universal Movies on December 22, 2013. The pay-per-view costs was \$2.99 and prior to purchasing the server asks to confirm the age of view to be 18 years and older identifying the material to be age sensitive. Once the movie begins there was no embedded advertising.

Netflix Findings:

On February 20, 2018 Netflix Dallas Cowboy's Club was watched in its entirety. There were no embedded advertising once the movie was selected.

DVD Findings:

On February 1, 2018 and February 20, 2018 I watched the Dallas Buyer's Club movie on DVD that was provided to Attorney Curtis Edmonson and watched its entirety. Upon starting the movie there was an unavoidable (forced to watch) series of previews promoting other films; I could not skip this segment to select "play." There was a variety of clips that did not identify the movie but showed snippets such as "Milk" and "Burn After Reading." Focus Features and Universal was credited and then more movies were promoted, this lasted approximately 5:10:00 (five minutes ten seconds). Those movies promoted were: "The Best Man Holiday" lasting

approximately 0:55 seconds, "Rush" lasting approximately 0:33 seconds, "About Time" lasting approximately 0:32 seconds, and "Closed Circuit" lasting approximately 2:47 (two minutes and forty-seven seconds).

Following the above listed advertisements, there was no direct launch. A screen displayed to select from the following: Play, Scenes, Bonus, Setup, and Previews. This was one more to promotion for other movies and a delay to watch the Dallas Buyer's Club.

By selecting the "Previews" button it promoted Working Titles, the following movies were advertised: "Closed Circuit" lasting approximately 2:19 (two minutes nineteen seconds), "World's End" lasting approximately 0:32 seconds, "Admission" lasting approximately 0:32 seconds, "Hyde Park of Hudson" lasting approximately 0:32 seconds, "Promise Land" lasting approximately 0:32 seconds, and "Moonrise Kingdom" lasting approximately 0:31 seconds.

By selecting the "Play" button this initiated the Dallas Buyer's Club movie. Prior to the movie there was approximately 2:11 (two minutes eleven seconds) of previews, in which approximately 0:55 seconds included a Blu-ray advertisement, FBI Anti-Piracy Warning, Motion Picture Rating with an "R", and Universal Movies. These elements were not part of Netflix and YouTube. After the identifiers the pre-movie credits were Focus Feature, Truth Entertainment, and Voltage Pictures.

Beginning Credits, and Information Prior to Movie

YouTube Findings:

The beginning credits included Focus Features approximately 0:12 seconds, Truth Entertainment approximately 0:14 seconds and Voltage Picture approximately 0:19 seconds then transitioned into the movie. Ending credits were approximately 4:37 (four minutes thirty-seven seconds). There was no rating, FBI Anti-piracy warning, and Universal Movie credit. The Universal credit was provided on the YouTube menu.

Netflix Findings:

The beginning credits included Focus Features approximately 0:12 seconds, Truth Entertainment approximately 0:14 seconds and Voltage Picture approximately 0:19 seconds then transitioned into the movie. Ending credits were approximately 4:37 (four minutes thirty-seven seconds). There was no rating, FBI Anti-piracy warning, and Universal Movie credit.

DVD Findings:

The first display to watching the movie was the FBI Anti-Piracy Notice, followed by Blu-Ray advertisement, film rating and Universal Movies recognition. Next were the following credits: Focus Features approximately 0:12 seconds, Truth Entertainment approximately 0:14 seconds and Voltage Picture approximately 0:19 seconds then transitioned into the movie. Ending credits were approximately 4:37 (four minutes thirty-seven seconds).

Ending Film Credits

YouTube Findings:

The ending credits were approximately 4:37 (four minutes thirty-seven seconds).

Netflix Findings:

The credits following the movie appeared on the time bar at the bottom of the screen, it displayed the credits to last 4:31 (four minutes thirty-one seconds). The credits began full screen, within 0:06 seconds from starting the credits the credits were moved to the upper left corner in a small box and lasted approximately 0:27 seconds.

DVD Findings:

The ending credits were approximately 5:04 (five minutes four seconds).

Length of the Movie

YouTube

The length of the movie was 1:56:53 (one hour fifty-six minutes fifty-three seconds).

Netflix

The length of the movie was 1:56:00 (one hour fifty-six minutes).

DVD Findings

The length of the movie was 1:56:51 (one hour fifty-six minutes fifty-one seconds).

Age Confirmation 18 and Older

YouTube

Yes, there was a notice of required age to view the movie.

Netflix

No, there was not a notice of required age to view the movie.

DVD Findings

No, there was not a notice of required age to view the movie.

*****END OF REPORT*****